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8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 FABRIC SELECTION, INC., a California  
12 corporation,

13 Plaintiff,

14 v.

15 MGMB CO. LLC, a New York limited  
16 liability company d/b/a “French  
17 Atmosphere”; and DOES 1 through 10,  
18 Defendants.

Case No.:

PLAINTIFF’S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

1 Plaintiff Fabric Selection, Inc., (“FSI” or “Plaintiff”), by and through its  
2 undersigned attorneys, hereby prays to this honorable Court for relief based on the  
3 following:

4 **JURISDICTION AND VENUE**

5 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §  
6 101, *et seq.*

7 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331  
8 and 1338 (a) and (b).

9 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and  
10 1400(a) in that this is the judicial district in which a substantial part of the acts and  
11 omissions giving rise to the claims occurred.

12 **PARTIES**

13 4. FSI is a corporation organized and existing under the laws of the State of  
14 California with its principal place of business in Commerce, California.

15 5. Plaintiff is informed and believes and thereon alleges that Defendant  
16 MGMB CO LLC, individually and doing business as “French Atmosphere”  
17 (“MGMB”), is a New York limited liability company with its principal place of  
18 business located at 1385 Broadway, New York, NY 10018 and is doing business in  
19 and with the State of California.

20 6. Plaintiff is informed and believes and thereon alleges that Defendants  
21 Does 1 through 10 (collectively, “DOE Defendants”) (together with MGMB,  
22 “Defendants”) are other parties not yet identified who have infringed Plaintiff’s  
23 copyrights, have contributed to the infringement of Plaintiff’s copyrights, or have  
24 engaged in one or more of the wrongful practices alleged herein. The true names,  
25 whether corporate, individual, or otherwise, of DOE Defendants are presently  
26 unknown to Plaintiff, which therefore sues said DOE Defendants by such fictitious  
27 names and will seek leave to amend this complaint to show their true names and  
28 capacities when same have been ascertained.

1           7.     Upon information and belief, each of the Defendants was the agent,  
2 affiliate, officer, director, manager, principal, alter-ego, and/or employee of the  
3 remaining Defendants, and was at all times acting within the scope of such agency,  
4 affiliation, alter-ego relationship and/or employment; and actively participated in,  
5 subsequently ratified, and/or adopted each of the acts or conduct alleged, with full  
6 knowledge of each violation of Plaintiff's rights and the damages to Plaintiff  
7 proximately caused thereby.

8                           **CLAIMS RELATED TO DESIGN SE40528**

9           8.     Plaintiff owns an original two-dimensional artwork that is used for  
10 textile printing, entitled SE40528, and registered with the U.S. Copyright Office  
11 (hereinafter "Subject Design.")

12           9.     Prior to the acts complained of herein, Plaintiff widely disseminated the  
13 Subject Design to numerous parties in the fashion and apparel industries.

14           10.    Following Plaintiff's display and distribution of the Subject Design,  
15 Defendants, and each of them, created, manufactured, distributed, offered for sale,  
16 sold, displayed, reproduced, and/or otherwise used fabric and/or garments featuring a  
17 design that is strikingly and/or substantially similar to the Subject Design without a  
18 license, authorization, or consent from Plaintiff ("Infringing Garment.")  
19 Representative examples of the Subject Design and Infringing Garment are below:  
20  
21  
22  
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27 ///

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<u>Subject Design</u>	<u>Infringing Garment</u>
<p data-bbox="451 279 570 315">SE40528</p> 	<p data-bbox="1105 279 1198 315"><u>Detail:</u></p>  <p data-bbox="1089 854 1214 890"><u>Garment:</u></p>  





1 or selling Infringing Garment through a nationwide network of retail stores,  
2 catalogues, and through online websites.

3 18. Due to Defendants' acts of infringement, Plaintiff has suffered  
4 substantial damages to its business in an amount to be established at trial.

5 19. Due to Defendants', and each of their, acts of infringement, Defendants,  
6 and each of them, have obtained profits they would not have realized but for their  
7 infringement of Plaintiff's copyright in the Subject Design. As such, Plaintiff is  
8 entitled to disgorgement of Defendants' profits attributable to Defendants'  
9 infringement of Plaintiff's rights in the Subject Design in an amount to be established  
10 at trial.

11 20. Upon information and belief, Defendants, and each of them, have  
12 committed copyright infringement with actual or constructive knowledge, or in  
13 reckless disregard, of Plaintiff's copyrights in the Subject Design, such that said acts  
14 of copyright infringement were, and continue to be, willful.

15 **PRAYER FOR RELIEF**

16 Wherefore, Plaintiff prays for judgment as follows:

- 17 a. That Defendants—each of them—and their respective agents and servants  
18 be enjoined from importing, manufacturing, distributing, offering for sale,  
19 selling, or otherwise trafficking in any product that infringes Plaintiff's  
20 copyrights in the Subject Design;
- 21 b. That Plaintiff be awarded all Defendants' profits, plus all Plaintiff's losses,  
22 attributable to Defendants' infringement of Plaintiff's copyrights in the  
23 Subject Design; or alternatively, if elected before final judgment, statutory  
24 damages under the Copyright Act, 17 U.S.C. § 101, *et seq.*;
- 25 c. That Plaintiff be awarded its attorneys' fees under 17 U.S.C. § 505;
- 26 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 27 e. That Plaintiff be awarded the costs of this action; and
- 28

1 f. That Plaintiff be awarded such further legal and equitable relief as the Court  
2 deems proper.

3 **JURY TRIAL DEMANDED**

4 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
5 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

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7 Respectfully submitted,

8  
9 Dated: May 8, 2025

By: /s/ Trevor W. Barrett  
Trevor W. Barrett, Esq.  
Andres Navarro, Esq.  
DONIGER / BURROUGHS  
*Attorneys for Plaintiff*